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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ARcare, Inc., on behalf of itself and all
others similarly situated,

Plaintiff,

v.

Cynosure, Inc.,

Defendant.

No. 1:16-cv-11547-DPW

DECLARATION OF ZACHARY COOLEY

RE: NOTICE PROCEDURES

I, Zachary Cooley, declare as follows:

1. I am employed as a Project Manager by KCC Class Action Services, LLC ("KCC"), located at 462 South 4th Street, Louisville, KY 40202. KCC was appointed as the Settlement Administrator in this matter and is not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

CAFA Notification

2. On January 26, 2017, Plaintiffs in the above-captioned matter filed a Motion to Certify Settlement Class and Authorize Notice about the Proposed Settlement, and attached the following as Exhibits: Memorandum in Support of Plaintiffs' Motion, Settlement Agreement and Release, Fax Notice, Long Form Notice, Mail Notice, Proof of Claim Form, (Proposed Order Preliminarily Approving Settlement and Certifying Settlement Class, (Proposed) Final Order of Approval, and Firm Resumes and Attorney Biographies for Bock, Hatch, Lewis & Oppenheim, LLC and Carney Bates & Pulliam.

1 3. On February 3, 2017, KCC caused 62 CAFA Notice Packets to be sent by United
2 States Postal Service ("USPS") Priority Mail letters addressed to the United States Attorney
3 General, the attorneys general of all 50 states and the U.S. territories, the attorney general of the
4 District of Columbia, and Plaintiff and Defense Counsel. Each CAFA Notice was accompanied
5 by a CD containing the documents listed in the CAFA Notice. A true and correct copy of a
6 sample CAFA Notice is attached hereto as Exhibit A. A true and correct copy of the distribution
7 list and tracking numbers for the February 3, 2017 mailings is attached as Exhibit B.

9 4. On March 3, 2017, per the request of the Court, Plaintiffs executed an Amended
10 Settlement Agreement and Release and filed an amended Motion to Certify Settlement Class and
11 Authorize Notice about the Proposed Settlement, and attached the following amended Exhibits:
12 Memorandum in Support of Plaintiffs' Motion, Amended Settlement Agreement and Release, Fax
13 Notice, Long Form Notice, Mail Notice, Proof of Claim Form, (Proposed Order Preliminarily
14 Approving Settlement and Certifying Settlement Class, (Proposed) Final Order of Approval, and
15 Firm Resumes and Attorney Biographies for Bock, Hatch, Lewis & Oppenheim, LLC and Carney
16 Bates & Pulliam.

18 5. On March 13, 2017, KCC caused 62 Supplemental CAFA Notice Packets to be
19 sent by United States Postal Service ("USPS") Priority Mail letters addressed to the United States
20 Attorney General, the attorneys general of all 50 states and the U.S. territories, the attorney
21 general of the District of Columbia, and Plaintiff and Defense Counsel. Each Supplemental
22 CAFA Notice was accompanied by a CD containing the documents listed in the Supplemental
23 CAFA Notice. A true and correct copy of a sample Supplemental CAFA Notice is attached
24 hereto as Exhibit C. A true and correct copy of the distribution list and tracking numbers for the
25 February 3, 2017 mailings is attached as Exhibit D.

27 6. As of the date of this Declaration, KCC has received no return CAFA packets from
28

1 the USPS, indicating all parties have received the CAFA Notice as required by statute.

2 **Class List**

3 7. On March 14, 2019, KCC received from Defense Counsel a list of 76,567 unique
4 fax numbers identified as the Class List. The Class List consisted of fax numbers only. KCC
5 then performed a reverse fax search for the all fax numbers included on the Class List and 27,353
6 records were updated.

7 **Notice**

8 8. On March 25, 2019, KCC caused the Notice and Claim Form (collectively, the
9 “Fax Packet”) to be faxed to 76,567 unique fax numbers in the Class List. A true and correct
10 copy of the Fax Packet is attached hereto as Exhibit E. Of the 76,567 fax transmissions, 36,496
11 were unsuccessful after three attempts, for a 52.33% success rate.

12 9. Of the 36,496 unsuccessful fax transmissions, KCC used the reverse fax lookup
13 results to identify addresses for 16,049 fax numbers and on March 28, 2019, KCC caused the
14 Mail Notice and Claim Form (collectively, the “Mailing Packet”) to be mailed to these addresses.
15 A true and correct copy of the Mailing Packet is attached hereto as Exhibit F.

16 10. To date, KCC has received a total of 3,359 Mailing Packets returned by the U.S.
17 Postal Service without forwarding address information. KCC ran a search for updated addresses
18 for these Class Members and found updated addresses and remailed to 377. Accordingly, KCC
19 estimates that 53,140 of the Class List or 69.40% of the Settlement Class Members were reached
20 via fax or mail.

21 **Case Website**

22 11. On or about March 25, 2019, KCC established a case website:
23 www.cynosettlement.com to provide information regarding the Settlement to the Class Members.
24 The website URL was provided in both the Fax Packet and Mailing Packet. Visitors of the
25

1 website can download copies of the Complaint, Settlement Agreement, and other case-related
2 documents. Visitors can also file a claim online using the Claim ID and PIN Code found on their
3 Claim Form.

4 **Toll-Free Telephone Number**

5
6 12. On or about March 25, 2019, KCC established a toll-free telephone number (866-
7 298-4191) to allow Class Members to call and obtain information about the settlement in the form
8 of recorded answers to Frequently Asked Questions. Prior to the Claims deadline, callers could
9 also request that a Claim Form be sent to them. This automated phone system is available 24
10 hours per day, 7 days per week.

11 **Fax Number**

12
13 13. Prior to March 25, 2019, KCC established a fax number (866-298-7192) to send
14 Fax Packets and receive Claim Forms from Class Members.

15 **Claim Forms Received**

16 14. To date, KCC has received 2,966 timely claim forms submitted via the website,
17 mail and facsimile. KCC is still processing claims and identifying duplicates. It is not yet known
18 how many valid fax numbers are included in the timely, unique claim forms that have been
19 submitted. As of the executing of this declaration KCC has received no late Claim Forms which
20 were faxed or postmarked after the Claims Deadline.

21 **Request for Exclusion from Class**

22
23 15. The deadline for Settlement Class Members to request to be excluded from the
24 class is May 27, 2019. As of the date of this declaration, KCC has received two (2) requests for
25 exclusion. A list of these requests for exclusion is attached hereto as Exhibit G.
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1 **Objections to the Settlement**

2 16. The postmark deadline for Class Members to object to the settlement is May 27,
3 2019. As of the date of this declaration, KCC has received no objections to the settlement.
4

5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct. Executed this 16th day of May, 2019 at Louisville, Kentucky.
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11 
12 ZACHARY COOLEY
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EXHIBIT A

WILMERHALE

Alan E. Schoenfeld

+1 212 937 7294 (t)
+1 212 230 8888 (f)
alan.schoenfeld@wilmerhale.com

February 3, 2017

VIA PRIORITY MAIL

«First» «Last»
«Company»
«Address_1»
«Address_2»
«City», «State» «Zip»

Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715

Dear «First» «Last»:

WILMER CUTLER PICKERING HALE AND DORR LLP represents Cynosure, Inc. (“Defendant”) in a putative class action lawsuit entitled *ARcare, Inc., an Arkansas Corporation, on behalf of itself and all others similarly situated, v. Cynosure, Inc.*, Case No. 1:16-cv-11547-DPW. The lawsuit is pending before the Honorable Donald P. Woodlock in the United States District Court for the District of Massachusetts. This letter is to advise you that Plaintiff filed a Motion for Preliminary Approval of Classaction Settlement and Approval of the Proposed Notice of Settlement in connection with this class action lawsuit on January 26, 2017.

Case Name: *ARcare, Inc. v. Cynosure, Inc.*

Case Number: Civil Action No. 1:16-cv-11547-DPW

Jurisdiction: United States District Court,
District of Massachusetts

Date Settlement
Filed with Court: January 26, 2017

Defendant denies any wrongdoing or liability whatsoever, but has decided to settle this action solely in order to eliminate the burden, expense, and uncertainties of further litigation. In compliance with 28 U.S.C. § 1715(b), the following documents referenced below are included on the CD that is enclosed with this letter:

WILMERHALE

«First» «Last»

February 3, 2017

Page 2

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** Copies of the *Plaintiff's Class Action Complaint and Defendant's Answer to the Complaint* are included on the enclosed CD Rom.
2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** As of February 3, 2017, the Court has not yet scheduled a final fairness hearing in this matter. Plaintiff filed a *Motion for Preliminary Approval of Classaction Settlement and Approval of the Proposed Notice of Settlement* on January 26, 2017, and a hearing on the motion was held on January 31, 2017 at 2:30 p.m. in Courtroom 1 before the Honorable Douglas P. Woodlock. A copy of the *Motion for Preliminary Approval of Classaction Settlement and Approval of the Proposed Notice of Settlement* is included on the enclosed CD Rom. Following the hearing, the Court granted the parties leave to file amended submissions on or before March 3, 2017 or to choose to rest on the present submissions, after which the Court will schedule an appropriate proceeding.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the *Fax Notice, Long Form Notice, Mail Notice and Proof of Claim Form* that are to be provided to the class are included on the enclosed CD Rom.
4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the *Settlement Agreement and Release* is included on the enclosed CD Rom.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** A copy of a *January 26, 2017 side letter between the parties* is included on the enclosed CD Rom.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of February 3, 2017, nor have any Notices of Dismissal been granted at this time. A copy of the proposed *Final Approval Order and Judgment* is included on the enclosed CD Rom.
7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** While Defendant is in the process of gathering information on this issue, pursuant to 28 U.S.C. § 1715(b)(7)(A), at this time a complete list of names of class members as well as each State of residence is not available, because the parties do not presently know the names or current addresses of all the proposed settlement class members and will not learn this information until the Settlement is preliminarily approved and the Court authorizes dissemination of information about the Settlement through the Class Notice.

WILMERHALE

«First» «Last»
February 3, 2017
Page 3

Pursuant to 28 U.S.C. § 1715(b)(7)(B), it is estimated that there are approximately 76,567 individuals in the class. The members of the Settlement Class cannot feasibly be identified by name at this time. However, attached as Exhibit A to this letter, Defendant has provided the following list, which is based on the best information currently available, pertaining to the state of residence of the estimated 76,567 proposed class members, and estimated proportionate share of the claims of such members to the entire settlement, in accordance with 28 U.S.C. § 1715(b)(7)(B).

8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As of February 3, 2017, there has been no written judicial opinion related to the settlement. A copy of the proposed *Final Approval Order and Judgment* is included on the enclosed CD Rom.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact WILMER HALE immediately so that Cynosure, Inc. can address any concerns or questions you may have.

Thank you.

Sincerely,

/s/
Alan E. Schoenfeld
WILMERHALE

Enclosure – CD Rom

EXHIBIT B

Last	First	Company	Address 1	Address 2	City	State	Zip
Richards	Craig W.	Office of the Alaska Attorney General	P.O. Box 110300		Juneau	AK	99811-0300
Strange	Luther	Office of the Alabama Attorney General	501 Washington Avenue	PO Box 300152	Montgomery	AL	36130-0152
Rutledge	Leslie	Arkansas Attorney General Office	323 Center Street, Suite 200		Little Rock	AR	72201-2610
Brnovich	Mark	Office of the Arizona Attorney General	1275 W. Washington Street		Phoenix	AZ	85007
CAFA Coordinator		Office of the Attorney General	Consumer Law Section		San Francisco	CA	94102
Coffman	Cynthia	Office of the Colorado Attorney General	Ralph L. Carr Colorado Judicial Center	1300 Broadway, 10th Floor	Denver	CO	80203
Jepsen	George	State of Connecticut Attorney General's Office	55 Elm Street		Hartford	CT	06106
Rachine	Karl A.	District of Columbia Attorney General	441 4th Street, NW, Suite 1100S		Washington	DC	20001
Boente	Dana	Acting Attorney General of the United States	United States Department of Justice		Washington	DC	20530-0001
Denn	Matt	Delaware Attorney General	Carvel State Office Building		Wilmington	DE	19801
Bondi	Pam	Office of the Attorney General of Florida	The Capitol, PL-01		Tallahassee	FL	32399-1050
Olers	Sam	Office of the Georgia Attorney General	40 Capitol Square, SW		Atlanta	GA	30334-1300
Chin	Douglas S.	Office of the Hawaii Attorney General	425 Queen Street		Honolulu	HI	96813
Miller	Tom	Iowa Attorney General	Hoover State Office Building		Des Moines	IA	50319
Wasden	Lawrence	State of Idaho Attorney General's Office	Statehouse		Boise	ID	83720-0010
Madigan	Lisa	Illinois Attorney General	James R. Thompson Center		Chicago	IL	60601
Soeller	Derek	Indiana Attorney General's Office	120 S.W. 10th Ave., 2nd Floor		Indianapolis	IN	46204
Schmidt	Jack	Kansas Attorney General	700 Capitol Ave		Topeka	KS	66612-1597
Conway	James D.	Office of the Kentucky Attorney General	P.O. Box 94095		Frankfort	KY	40601
Caldwell	Maura	Office of the Louisiana Attorney General	1 Ashburton Place		Baton Rouge	LA	70804-4095
Healey	Brian	Office of the Maryland Attorney General	200 St. Paul Place		Boston	MA	02109-1518
Frosh	Janet	Office of the Maine Attorney General	State House Station 6		Baltimore	MD	21202-2202
Millis	Bill	Office of the Michigan Attorney General	P.O. Box 30212		Augusta	ME	04333
Schulte	Attorney General	Attention: CAFA Coordinator	1400 Bremer Tower		Lansing	MI	48909-0212
Lort Swanson	Chris	Missouri Attorney General's Office	Supreme Court Building		St. Paul	MN	55101-2131
Koster	Jim	Mississippi Attorney General's Office	Department of Justice		Jefferson City	MO	65101
Hood	Tim	Office of the Montana Attorney General	Justice Bldg.		Jackson	MS	39205
Cooper	Roy	Office of the North Carolina Attorney General	Department of Justice		Helena	MT	59620-1401
Stenjem	Wayne	North Dakota Office of the Attorney General	State Capitol		Raleigh	NC	27602-0629
Peterson	Doug	Office of the Nebraska Attorney General	State Capitol		Bismarck	ND	58505-0040
Forster	Joseph A.	New Hampshire Attorney General	State House Annex		Lincoln	NE	68509-8920
Hoffman	John Jay	Office of the New Jersey Attorney General	Richard J. Hughes Justice Complex		Concord	NH	03301-6397
Baldaras	Hector	Office of the New Mexico Attorney General	P.O. Drawer 1508		Trenton	NJ	08625
Laxalt	Adam Paul	Nevada Attorney General	Old Supreme Ct. Bldg.		Santa Fe	NM	87504-1508
Schneiderman	Eric	Office of the New York Attorney General	State Office Tower		Carson City	NV	89701
DeWine	Mike	Ohio Attorney General	313 NE 21st Street		Albany	NY	12224
Pruitt	Scott	Oklahoma Office of the Attorney General	Justice Building		Columbus	OH	43266-0410
Rosenblum	Eileen F.	Office of the Oregon Attorney General	1600 Strawberry Square		Oklahoma City	OK	73105
Kane	Kathleen	Pennsylvania Office of the Attorney General	150 South Main Street		Salem	OR	97301
Klimartin	Peter	Rhode Island Office of the Attorney General	Rembert C. Dennis Office Bldg.		Harrisburg	PA	17120
Wilson	Alan	South Carolina Attorney General	1302 East Highway 14, Suite 1		Providence	RI	02903
Jackley	Marty J.	South Dakota Office of the Attorney General	425 5th Avenue North		Columbia	SC	29211-1549
Slatery III	Herbert H.	Tennessee Attorney General and Reporter	Capitol Station		Pierre	SD	57501-8501
Paxton	Ken	Attorney General of Texas	State Capitol, Room 236		Nashville	TN	37243
Reyes	Sean	Utah Office of the Attorney General	900 East Main Street		Austin	TX	78711-2548
Herring	Mark	Office of the Virginia Attorney General	109 State Street		Salt Lake City	UT	84114-0810
Ferguson	William H.	Office of the Attorney General of Vermont	1125 Washington St SE		Richmond	VA	23219
Schmehl	Brad	Washington State Office of the Attorney General	Dept of Justice, State Capitol, RM 114		Montpelier	VT	05609-1001
Morrisey	Patrick	Office of the Wisconsin Attorney General	State Capitol		Olympia	WA	98504-0100
Michael	Peter K.	Office of the Wyoming Attorney General	State Capitol Bldg.		Madison	WI	53707-7857
Ale	Talaeuga Eleasalo V.	American Samoa Attorney General	Exec. Ofc. Bldg. Utulei		Charleston	WV	25305
Barrett-Anderson	Elizabeth	Attorney General Office	500 S. Marine Corps Drive		Cheyenne	WY	82002
Manibusan	Edward	Northern Mariana Islands Attorney General	Administration Building		Pago Pago	AS	96993
Miranda-Rodriguez	Cesar R.	Puerto Rico Attorney General	P.O. Box 902192		Tamuning	GU	96913
Walker	Claude E.	Department of Justice	Virgin Islands Attorney General		San Juan	MP	96950-3807
Skilling	April Dawn	Office of the Secretary	Department of Justice for the Federated States of Micronesia		St. Thomas	VI	00802
		Office of the Attorney General	P.O. Box 1365		Palikir, Pohnpei	FM	96941
Murray	Ross	Vice President	P.O. Box 890		Koror	PW	96940
Horrell	Michael		WilmerHale LLP		Manajiro	MH	96960
					San Rafael	CA	94901
					Boston	MA	02109

EXHIBIT C

Alan E. Schoenfeld

+1 212 937 7294 (t)
+1 212 230 8888 (f)
alan.schoenfeld@wilmerhale.com

March 13, 2017

VIA PRIORITY MAIL

«First» «Last»
«Company»
«Address_1»
«Address_2»
«City», «State» «Zip»

Re: Supplemental Notice of Proposed Class Action Settlement

Dear «First» «Last»:

This letter supplements prior correspondence sent to you on or around February 3, 2017, a copy of which is enclosed, regarding a putative class action entitled *ARcare, Inc. v. Cynosure, Inc.*, U.S. District Court for the District of Massachusetts Case No. 1:16-cv-11547-DPW. Wilmer Cutler Pickering Hale and Dorr LLP represents Defendant Cynosure Inc. in this lawsuit.

On March 3, 2017, the parties executed an Amended Settlement Agreement, replacing the Settlement Agreement sent to you on February 3, 2017. Several terms of the original Settlement Agreement have been amended, along with the proposed forms of notice to the class. On March 3, 2017, ARcare, Inc. submitted the Amended Settlement Agreement to the Court along with a Motion to Authorize Notice and Preliminarily Certify Settlement Class.

In further compliance with 28 U.S.C. § 1715(b), the following documents referenced below are included on the CD Rom that is enclosed with this letter:

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** Copies of the Plaintiff's Class Action Complaint and Defendant's Answer to the Complaint were included on the CD Rom sent to you on February 3, 2017 and remain unchanged.
2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** As of March 13, 2017, the Court has not yet scheduled a final fairness hearing in this matter. Plaintiff filed a Motion to Authorize Notice and Preliminarily Certify Settlement Class on March 3, 2017. A copy of the Motion to Authorize Notice and Preliminarily Certify Settlement Class and proposed order is included on the enclosed CD Rom.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the Fax Notice, Long Form Notice, Mail Notice and Proof of Claim Form that are to be provided to the class, subject to court approval, are included on the enclosed CD Rom.

WILMERHALE

«First» «Last»
March 13, 2017
Page 2

4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the Amended Settlement Agreement and Release is included on the enclosed CD Rom.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** A copy of a March 3, 2017 letter agreement between the parties is included on the enclosed CD Rom.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of February 3, 2017, nor have any Notices of Dismissal been granted at this time. A copy of the proposed Final Approval Order and Judgment is included on the enclosed CD Rom.
7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** Estimates of the number of proposed class members and their states of residence were included in the letter sent to you on February 3, 2017 and remain unchanged.
8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As of March 13, 2017, there has been no written judicial opinion related to the settlement. A copy of the proposed Final Approval Order and Judgment is included on the enclosed CD Rom.

Please contact me at the number listed above if you require any additional materials or need any further information concerning this matter.

Thank you.

Sincerely,

/s/ Alan E. Schoenfeld
Alan E. Schoenfeld

Enclosures – CD Rom, Letter dated February 3, 2017

EXHIBIT D

Last	First	Company	Address 1	Address 2	City	State	Zip	Tracking Number
Richards	Craig W.	Office of the Alaska Attorney General	P.O. Box 110300		Juneau	AK	99811-0300	9405510200986521938816
Strange	Luther	Office of the Alabama Attorney General	501 Washington Avenue		Montgomery	AL	36130-0152	9405510200986521938847
Ruediger	Leslie	Arkansas Attorney General Office	323 Center Street, Suite 200		Little Rock	AR	72201-2610	9405510200986521938908
Bryovich	Mark	Office of the Arizona Attorney General	1275 W. Washington Street		Phoenix	AZ	85007	9405510200986521938977
CAFA Coordinator		Consumer Law Section			San Francisco	CA	94102	9405510200986521938991
Coffman	Orithia	Office of the Attorney General	Ralph L. Carr Colorado Judicial Center		Denver	CO	80203	9405510200986521939073
Jedben	George	State of the Colorado Attorney General	55 Elm Street		Hartford	CT	06106	9405510200986521939196
Bacine	Karl A.	District of Columbia Attorney General's Office	441 4th Street, NW, Suite 1100S		Washington	DC	20001	9405510200986521939233
Boettie	Daria	Acting Attorney General of the United States	United States Department of Justice		Washington	DC	20530-0001	9405510200986521939271
Derrin	Matt	Delaware Attorney General	Carvel State Office Building		Wilmington	DE	19801	9405510200986521939301
Bondl	Pam	Office of the Attorney General of Florida	The Capitol, PL-01		Tallahassee	FL	32399-1300	9405510200986521939332
Olsen	Sam	Office of the Georgia Attorney General	40 Capitol Square, SW		Atlanta	GA	30334-1300	9405510200986521939424
Chin	Douglas S.	Office of the Hawaii Attorney General	425 Queen Street		Honolulu	HI	96813	9405510200986521939448
Miller	Tom	Iowa Attorney General	Hoover State Office Building		Des Moines	IA	50319	9405510200986521939479
Wascen	Lawrence	State of Idaho Attorney General's Office	Statehouse		Boise	ID	83720-3010	9405510200986521939516
Madigan	Lisa	Illinois Attorney General	James R. Thompson Center		Chicago	IL	60601	9405510200986521939561
Zoeller	Greg	Indiana Attorney General's Office	Indiana Government Center South		Indianapolis	IN	46204	9405510200986521939622
Schmidt	Derek	Kansas Attorney General	120 S.W. 10th Ave., 2nd Floor		Topeka	KS	66612-1597	9405510200986521939721
Conway	Jack	Office of the Kentucky Attorney General	700 Capitol Ave		Frankfort	KY	40601	9405510200986521939813
Caldwell	James D.	Office of the Louisiana Attorney General	P.O. Box 94095		Baton Rouge	LA	70804-4095	9405510200986521939844
Healey	Maura	Office of the Attorney General of Massachusetts	1 Ashburton Place		Boston	MA	02108-1518	9405510200986521939905
Frosh	Brian	Office of the Maryland Attorney General	200 St. Paul Place		Baltimore	MD	21202-2202	9405510200986521939998
Mills	Janet	Office of the Maine Attorney General	State House Station 6		Augusta	ME	04333	9405510200986521940048
Schutte	Bill	Office of the Michigan Attorney General	P.O. Box 30212		Lansing	MI	48909-0212	9405510200986521940147
Jon Swanson	Chris	Attention: CAFA Coordinator	1400 Bremer Tower		St. Paul	MN	55101-2131	9405510200986521940192
Koster	Jim	Missouri Attorney General's Office	Supreme Court Building		Jefferson City	MO	65101	9405510200986521940253
Fox	Tim	Mississippi Attorney General's Office	Department of Justice		Jackson	MS	39205	9405510200986521940321
Cooper	Roy	Office of the Montana Attorney General	Justice Bldg.		Helena	MT	59602-1401	9405510200986521940369
Sloneham	Wayne	Office of the North Carolina Attorney General	Department of Justice		Raleigh	NC	27602-0629	9405510200986521940406
Peterson	Doug	North Dakota Office of the Attorney General	State Capitol		Bismarck	ND	58505-0040	9405510200986521940475
Foster	Joseph A.	Office of the Nebraska Attorney General	State Capitol		Lincoln	NE	68509-8920	9405510200986521940529
Hoffman	John Jay	New Hampshire Attorney General	State House Annex		Concord	NH	03301-6397	9405510200986521940581
Balderas	Hector	Office of the New Jersey Attorney General	Richard J. Hughes Justice Complex		Trenton	NJ	08625	9405510200986521940635
Laxalt	Adam Paul	Office of the New Mexico Attorney General	Old Supreme Ct. Bldg.		Santa Fe	NM	87504-1508	9405510200986521940666
Schneiderman	Eric	Nevada Attorney General	Department of Law		Carson City	NV	89701	9405510200986521940710
DeVine	Mike	Office of the New York Attorney General	State Office Tower		Albany	NY	12244	9405510200986521940796
Pruitt	Scott	Ohio Attorney General	313 NE 21st Street		Columbus	OH	43266-0410	9405510200986521940901
Rosenblum	Ellen F.	Office of the Oregon Attorney General	Justice Building		Oklahoma City	OK	73105	9405510200986521940970
Kane	Kathleen	Pennsylvania Office of the Attorney General	1600 Strawberry Square		Salem	OR	97301	9405510200986521941021
Klimartin	Peter	Rhode Island Office of the Attorney General	150 South Main Street		Harrisburg	PA	17120	9405510200986521941069
Wilson	Alan	South Carolina Attorney General	Rembert C. Dennis Office Bldg.		Providence	RI	02903	9405510200986521941170
Jackley	Marty J.	South Dakota Office of the Attorney General	1302 East Highway 14, Suite 1		Columbia	SC	29211-1549	9405510200986521941175
Slatery, III	Herbert H.	Tennessee Attorney General and Reporter	425 5th Avenue North		Pierre	SD	57501-8501	9405510200986521941236
Paxton	Ken	Attorney General of Texas	Capitol Station		Nashville	TN	37243	9405510200986521941328
Reves	Sean	Utah Office of the Attorney General	State Capitol, Room 236		Austin	TX	78711-2548	9405510200986521941366
Herring	Mark	Office of the Virginia Attorney General	900 East Main Street		Salt Lake City	UT	84114-0810	9405510200986521941410
Sorrell	William H.	Washington State Office of the Attorney General	109 State Street		Richmond	VA	23219	9405510200986521941441
Ferguson	Bob	Office of the Wisconsin Attorney General	1125 Washington St SE		Montpelier	VT	05609-1001	9405510200986521941496
Schmel	Brad	West Virginia Attorney General	Dept of Justice, State Capitol, RM 114		Olympia	WA	98504-0100	9405510200986521941557
Morrissey	Patrick	Office of the Wyoming Attorney General	State Capitol		Madison	WI	53707-7857	9405510200986521941588
Michael	Peter K.	American Samoa Attorney General	State Capitol Bldg		Charleston	WV	25305	9405510200986521941625
Ale	Talauaga Eleasalo V	Attorney General Office	Exec. Ofc. Bldg, Ululei		Cheverne	WY	82002	9405510200986521941670
Barrett-Anderson	Elizabeth	Northern Mariana Islands Attorney General	590 S. Marine Corps Drive		AS	96913	9405510200986521941748	
Manibusan	Edward	Puerto Rico Attorney General	Administration Building		Guam	MP	96950-8507	9405510200986521941809
Miranda-Rodriguez	Cesar R.	Department of Justice	P.O. Box 902192		Tamuning	PR	00902	9405510200986521941878
Walker	Claude E.	Office of the Secretary	Virgin Islands Attorney General		San Juan	VI	00902	9405510200986521941908
Skilling	April Dawn	Office of the Attorney General	Department of Justice for the Federated States of Micronesia		Palikir, Pohnpei	FM	96941	9405510200986521990968
			P.O. Box 1365		Koror	PW	96940	9405510200986521942066
			P.O. Box 890		Maloro	MH	96960	9405510200986521942134
			KCC Class Action Services LLC		San Rafael	CA	94901	9405510200986521942158
			WilmerHale LLP		Boston	MA	02109	9405510200986521942165

EXHIBIT E

This is a notice of a lawsuit settlement, not a lawsuit against you.

You may benefit from this notice. Please read it carefully.

You must complete and submit the attached claim form to receive a monetary award.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ARcare, Inc., on behalf of itself and all others
similarly situated,**

Plaintiff,

Case No.: 1:16-cv-11547-DPW

v.

Cynosure, Inc.

Defendant.

NOTICE OF CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM

TO: All persons or entities who were sent one or more facsimile transmissions advertising the availability or quality of property, goods, or services of Cynosure, Inc. between July 27, 2012 and March 13, 2019 (the "Settlement Class").

A. WHY HAVE YOU RECEIVED THIS NOTICE? The Court ordered us to send you this Notice because your fax number appears on a list of fax numbers to which advertisements may have been sent by fax, and you may be a member of the Settlement Class defined above.

B. WHAT IS THIS LAWSUIT ABOUT? Plaintiff filed this class action lawsuit against Cynosure, Inc. ("Defendant") alleging that it violated the federal Telephone Consumer Protection Act ("TCPA") by sending advertisements by fax. Defendant denied Plaintiff's allegations and raised defenses. The parties have agreed to settle all claims about faxes Defendant sent between July 27, 2012 and March 13, 2019.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims against it, if the Settlement is finally approved, Defendant has agreed to pay \$8,500,000.00 for the Settlement (the "Settlement Fund"). If the Court approves the Settlement, all Settlement Class members who submit a valid and timely Proof of Claim Form will be mailed a check or checks for their *pro rata* share of the Settlement Fund, after deduction of any attorneys' fees and costs for Class Counsel awarded by the Court, any award to the Class Representative awarded by the Court, the cost of settlement administration, and any taxes on the Settlement. In addition, if you have Cynosure faxes that you received, you may attach them and you will be paid the *pro rata* claim payment for each valid fax you submit. Additionally, Defendant has agreed that it will not send advertising faxes that do not comply with the TCPA or applicable federal regulations for two years after this Settlement is finally approved.

The Court has approved this notice and preliminarily certified the settlement class, subject to a final approval hearing that will occur on July 11, 2019, at 2:00 p.m., in Room 1, United States District Court for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210.

D. WHAT ARE YOUR OPTIONS?

1. Complete and return a Proof of Claim Form: To receive a payment from the Settlement Fund, you must complete, sign, and return a Proof of Claim Form postmarked on or before **June 26, 2019**. You do not need to remember receiving one of the facsimiles at issue, but you do need to attest under the pains and penalties of perjury that you owned the fax number during one of more of the months specified in the Proof of Claim form. If you submit a valid and timely Proof of Claim Form, you will be mailed a check (or checks) for your share of the proceeds. If you submit valid faxes you received, you will be mailed a check (or checks) for your share of the proceeds on a per fax basis.

2. Do nothing: If you do nothing, you will remain in the Settlement Class. You will be bound by the judgment against Defendant, and you will release your claims against Defendant about Defendant's faxes, but you will receive nothing.

3. Opt out of the settlement: You are not required to participate in the Settlement. You have the right to exclude yourself from the Settlement by sending a written request for exclusion. Your completed, signed statement advising of your election to opt out must be postmarked no later than **May 27, 2019**. If your request is not postmarked by that date, your right to opt out will be deemed waived and you will be bound by all orders and judgments entered in connection with the Settlement. Your request must list your name, address, and fax number; a statement that you want to be excluded from the Settlement in *ARcare, Inc. v. Cynosure, Inc.*, No. 16 Civ. 11547 (D. Mass.); and your signature. You must send your request to the Settlement Administrator at the following address:

ARcare, Inc. v. Cynosure, Inc.
Settlement Administrator
P.O. Box 404115
Louisville, KY 40233-4115

4. Object to the settlement: If you object to the settlement, and wish to file an objection rather than simply excluding yourself, you must file the objection electronically with the Court, or mail your objection first-class postage prepaid to the Clerk's Office of the United States District Court for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210. Your objection must be postmarked by **May 27, 2019**. You must also mail copies of your objection to Class Counsel and counsel for Defendant, postmarked by the same date, to the following addresses:

Phillip A. Bock
Bock, Hatch, Lewis & Oppenheim
134 N. LaSalle St., Suite 1000
Chicago, IL 60602

Alan E. Schoenfeld
Wilmer Cutler Pickering Hale and Dorr LLP
7 World Trade Center, 250 Greenwich Street
New York, NY 10007

Class Counsel

Counsel for Defendant

Your objection must include the name of the case (*ARcare, Inc. v. Cynosure, Inc.*, No. 16 Civ. 11547 (D. Mass.)); your full name, address, and fax number; an explanation of the basis upon which you claim to be a Settlement Class Member, all grounds for the objection, accompanied by any legal support for the objection; the identity of all counsel who represent you, including any former or current counsel who may be entitled to compensation for any reason related to the objection; whether you intend to appear at the final approval hearing and, if so, the identity of any counsel who will appear on your behalf; a list of all other class action settlements in which you or your counsel filed an objection; a list of any persons who will be called to testify at the final approval hearing in support of the objection; and your signature. The final approval hearing is scheduled for July 11, 2019, at 2:00 p.m., in Room 1, United States District Court for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210. You are not required to attend this hearing.

E. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? The Court will hold a final approval hearing on July 11, 2019, at 2:00 p.m., in Room 1, United States District Court for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210, and hear any timely and properly filed objections and arguments about the settlement. You are **not** required to attend this hearing. The final approval hearing may be continued to a future date without further notice.

F. WHO REPRESENTS THE CLASS? ARcare, Inc. is the Class Representative. Its attorneys are Class Counsel. They are:

Phillip A. Bock
Bock, Hatch, Lewis & Oppenheim, LLC
134 N. LaSalle St., Suite 1000
Chicago, IL 60602

Randall K. Pulliam
Carney Bates & Pulliam, PLLC
519 W 7th St,
Little Rock, AR 72201

Alan L. Cantor
Swartz & Swartz, P.C.
10 Marshall Street
Boston, MA 02108

As part of the settlement, Defendant has agreed not to oppose a request for a service award of \$5,000.00 to be paid from the Settlement Fund to ARcare, Inc. for its service as Class Representative on behalf of the Settlement Class in this litigation. Defendant has also agreed not to oppose a request for attorneys' fees of 25% of the Settlement Fund (\$2,125,000.00) plus reasonable out-of-pocket expenses incurred in the litigation to be paid from the Settlement Fund to Class Counsel. Class Counsel will file papers requesting the Court's approval of these awards/payments, and the Court is expected to consider those requests at the final approval hearing.

G. WHERE CAN YOU GET MORE INFORMATION? If you have questions about this Notice or about the settlement, write the Settlement Administrator at P.O. Box 404115, Louisville, KY 40233-4115. Include the case number, your name, your fax number, and your current street address on any correspondence. Alternatively, you can call the Settlement Administrator at 1-866-298-4191. If you'd like to discuss the matter with Class Counsel, you may call attorney Phillip A. Bock directly at 312-658-5501. This Notice only summarizes the litigation and the settlement. The court files for this case are available for your inspection at the Office of the Clerk of Court for the United States District Court for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210. You can also find a longer, more detailed notice, as well as the settlement agreement and related documents and information, online at www.cynosettlement.com.

DO NOT CONTACT THE JUDGE, THE JUDGE'S STAFF, OR THE CLERK OF THE COURT, BECAUSE THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS ABOUT THIS SETTLEMENT.

2. **You Must Verify Ownership of the Fax Number(s) Identified Above.**

A. For Individuals

I attest under the pains and penalties of perjury that the fax number(s) above belonged to me at any point during the period between July 27, 2012 and March 13, 2019.

Sign your name here

B. For Companies

I attest under the pains and penalties of perjury that the fax number(s) identified above belonged to the entity identified below at any point during the period between July 27, 2012 and March 13, 2019. I further attest under the pains and penalties of perjury that I have the authority to act on the entity's behalf and to submit this claim.

Entity Name: _____

Sign your name here

3. **IF YOU HAVE COPIES OF CYNOSURE FAXES YOU RECEIVED, YOU MAY ATTACH THEM TO THIS FORM. IT MAY INCREASE YOUR PAYMENT.**

4. **You Must Return this Claim Form by June 26, 2019:**

Fax this Claim Form to: 1-866-298-4192

Mail this Claim Form to: *ARcare, Inc. v. Cynosure, Inc.*
Settlement Administrator
P.O. Box 404115
Louisville, KY 40233-4115

Submit your claim at www.cynosettlement.com

EXHIBIT F

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Carney Bates & Pulliam, PLLC
519 W 7th St,
Little Rock, AR 72201

Alan L. Cantor
Swartz & Swartz, P.C.
10 Marshall Street
Boston, MA 02108

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Settlement Administrator
P.O. Box 404115
Louisville, KY 40233-4115

Submit your claim at www.cynosettlement.com



EXHIBIT G

ARCare v Cynosure Inc
Opt Out List

Business Name	Fax Number
Gao Medical PLLC	(718) 961-9594
Scott W. Barttelbort M.D FACS	(858) 623-9091